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February 6, 2013

via ELECTRONIC FILING

Honorable Joseph F. Bianco
United States District Court Judge
Eastern District of New York
100 Federal Plaza
Central Islip, N.Y. 11722

Re: Thomas M. Moroughan v. County of Suffolk, et al.
12-CV-0512 (JFB)(AKT)

Dear Judge Bianco:

By letter dated December 7, 2012, I informed Your Honor that I would not be submitting a motion to dismiss Plaintiff's Amended Complaint on behalf of my client, Defendant Anthony DiLeonardo.

According to ECF, it appears as if there is still oral argument for the motion set for this Friday, February 8, 2013.

Given that I did not file the motion, I am requesting that the scheduling of the oral argument be removed from this Court's calendar.

Respectfully Submitted,

BARKET MARION EPSTEIN & KEARON, LLP

By: /s/ Amy Marion
Amy B. Marion, Esq. (AM-7761)

cc: Anthony M. Grandinette, Esq. (via ECF)
Michael Ferguson, Esq. (via ECF)
Brian Mitchell, Esq. (via ECF)